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SCHERING-PLOUGH

018

PATENT CASE: IN01174-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|---------------------------|
| In re Application of: | : | X |
| Z. Zhu et al | : | Examiner: R. Mondesi |
| Serial No.: 10/013,071 | : | Group Art Unit: 1653 |
| Filed: 12/10/2001 | : | Atty. Docket No.: IN01174 |
| For: "Diaryl Peptides as NS3-Serine : Protease Inhibitors of Hepatitis C Virus" | : | |

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, Schering Corporation, is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 36 U.S.C. sections 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly-owned U.S. Patent Application, Serial No. 09/825,399. Petitioner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and any of the aforesaid patent application are commonly-owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. sections 154 to 156 and 173 of the aforesaid patent application, as presently shortened by any terminal disclaimer, in the event that either one or both later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

07/01/2004 ANONDAF2 00000041 190365 10013071

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Petitioner is the owner of 100% interest in the instant application by virtue of an assignment to Schering Corporation from all the inventors, which was recorded on August 26, 2002, in the U.S. Patent and Trademark Office at Reel 013249, Frame 0148.

The undersigned Attorney of Record states that he is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant or aforesaid applications or any patents issued thereon.

The USPTO is hereby authorized to charge the \$110 fee under 37 C.F.R. §1.20(d) for the present Terminal Disclaimer to charge account 19-0365.

June 30, 2004
Schering-Plough Corporation
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033
Tel: 908-298-5068
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Respectfully submitted,



Dr. Palaiyur S. Kalyanaraman
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Attorney for Applicant



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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

| | |
|----------------------|------------|
| Application Number | 10/013,071 |
| Filing Date | 12/10/2001 |
| First Named Inventor | Z. Zhu |
| Examiner Name | R. Mondesi |
| Art Unit | 1653 |
| Attorney Docket No. | JN01174 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number
19-0365
Deposit Account Name
Schering-Plough Corporation

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|------------------------|----------|
| 1001 | 2001 | 770 | 385 | Utility filing fee | |
| 1002 | 2002 | 340 | 170 | Design filing fee | |
| 1003 | 2003 | 530 | 265 | Plant filing fee | |
| 1004 | 2004 | 770 | 385 | Reissue filing fee | |
| 1005 | 2005 | 160 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| | | | -20** | = | |
| | | | - 3** | = | |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|--|----------|
| 1202 | 2202 | 18 | 9 | Claims in excess of 20 | |
| 1201 | 2201 | 88 | 43 | Independent claims in excess of 3 | |
| 1203 | 2203 | 280 | 145 | Multiple dependent claim, if not paid | |
| 1204 | 2204 | 88 | 43 | ** Reissue independent claims over original patent | |
| 1205 | 2205 | 18 | 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$ 0.00)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---|--------------|---------------|---------------|---|----------|
| 1051 | 130 | 130 | 2051 | 65 Surcharge - late filing fee or oath | |
| 1052 | 50 | 50 | 2082 | 25 Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 130 | 1053 | 130 Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 110 | 2251 | 65 Extension for reply within first month | |
| 1252 | 420 | 420 | 2252 | 210 Extension for reply within second month | |
| 1253 | 860 | 860 | 2253 | 475 Extension for reply within third month | |
| 1254 | 1,480 | 1,480 | 2254 | 740 Extension for reply within fourth month | |
| 1255 | 2,010 | 2,010 | 2255 | 1,005 Extension for reply within fifth month | |
| 1401 | 330 | 330 | 2401 | 165 Notice of Appeal | |
| 1402 | 330 | 330 | 2402 | 185 Filing a brief in support of an appeal | |
| 1403 | 290 | 290 | 2403 | 145 Request for oral hearing | |
| 1451 | 1,510 | 1,510 | 1451 | 1,610 Petition to institute a public use proceeding | |
| 1452 | 110 | 110 | 2452 | 55 Petition to revive - unavoidable | |
| 1453 | 1,330 | 1,330 | 2453 | 685 Petition to revive - unintentional | |
| 1501 | 1,330 | 1,330 | 2501 | 685 Utility issue fee (or reissue) | |
| 1502 | 480 | 480 | 2502 | 240 Design issue fee | |
| 1503 | 840 | 840 | 2503 | 320 Plant issue fee | |
| 1480 | 130 | 130 | 1480 | 130 Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 1807 | 50 Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 180 | 1806 | 180 Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | 40 Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 770 | 2809 | 385 Filing a submission after final rejection (37 CFR 1.129(e)) | |
| 1810 | 770 | 770 | 2810 | 385 For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 770 | 2801 | 365 Request for Continued Examination (RCE) | |
| 1802 | 800 | 800 | 1802 | 900 Request for expedited examination of a design application | |
| Other fee (specify) Terminal Disclaimer | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |
| SUBTOTAL (3) (\$ 110.00) | | | | | |

(Complete if applicable)

| | | | | | |
|-------------------|--------------------------|----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Palaiyur S. Kalyanaraman | Registration No. /Attorney/Agent | 34,634 | Telephone | 908-298-5068 |
| Signature | | | | Date | 06/30/2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.